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6 **IN THE SUPREME COURT OF THE STATE OF ARIZONA**

7 In the Matter of

In Re: R-26-0003

8 PETITION TO AMEND RULES 122
AND 122.1 OF THE RULES OF THE
9 SUPREME COURT OF ARIZONA

**ARIZONA PROSECUTING
ATTORNEYS' ADVISORY
COUNCIL COMMENT IN
SUPPORT**

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The Arizona Prosecuting Attorneys' Advisory Council ("APAAC")
13 respectfully submits the following comment in support of Petition R-26-0003, which
14 proposes to amend Rules 122 and 122.1, of the Rules of the Supreme Court of
15 Arizona, pertaining to the use of recording devices in a courtroom and the use of
16 portable electronic devices in the courthouse. This petition, filed by the Task Force
17 on Rules of the Supreme Court of Arizona ("Task Force"), builds upon the issues
18 raised last year in R-25-0031. APAAC supported that petition and also supports R-
19 26-0003.

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1 Although the Task Force will be submitting a future petition proposing
2 additional changes to Rule 122 and 122.1, the issue presented here requires
3 immediate attention. Rule 122 was adopted in 1993 and amended in 2013 with the
4 addition of Rule 122.1. As aptly noted by the Task Force, “The use of electronic
5 technology and the number of social media platforms and applications has greatly
6 expanded since 2013.” (Petition at 6). The circumstances detailed in R-25-0031
7 illustrate the dangers these technological advances can bring. There, the defendant
8 used a smartphone to broadcast and livestream judicial proceedings to his YouTube
9 channel, after only giving “notice” to the court. The defendant’s use of technology
10 made it difficult to maintain the integrity of the court proceedings and ensure that
11 the proceedings did not result in further harassment to those participating in them.
12 Through his weaponization of technology, the defendant effectively targeted and
13 amplified his harassment towards numerous participants in the proceedings,
14 resulting in the defendant being found guilty of two felony offenses. (*State v. Myers*,
15 Pima County Superior Court CR20251060 / CR20251454)

16 In its petition, the Task Force effectively offers common sense changes to the
17 concerns brought on by advancing technology and those who may seek to weaponize
18 it. Beginning with updated definitions, the petition reorganizes the rules based on
19 how a device is being used, sets forth notice requirements, and focuses on the
20 conduct of the people doing the recording. Additionally, the proposed rule makes

1 clear that the court has the discretion to deny such a request, something that is
2 lacking in the current rule. This is important because there has been some indication
3 that courts did not believe they had the ability to deny such requests. Finally, a new
4 section expressly provides for sanctions when the rule is violated.

5 In short, the petition provides a crucial first step in aligning our rules with the
6 paramount goal of safety for all participants in our justice system, while also
7 preserving transparency and public oversight. Accordingly, for the reasons stated
8 herein, APAAC respectfully supports the proposed amendments to Rules 122 and
9 122.1, of the Arizona Supreme Court Rules.

10 Respectfully submitted this 30th day of April, 2026.

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12 /s/ Elizabeth Burton Ortiz
Elizabeth Burton Ortiz